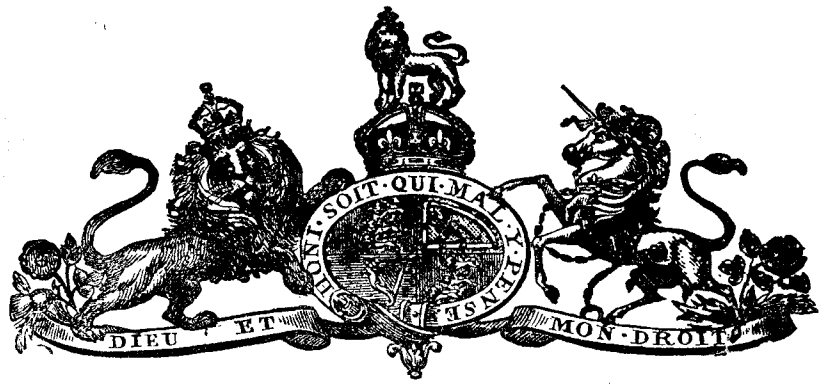
TASMANIA.



1933.

ANNO VICESIMO QUARTO

GEORGII V. REGIS.

No. 47.

ANALYSIS.

A.D. 1933.

AN ACT to amend the Workers' (Occupational Diseases) Relief Fund Act, 1928.

[10 *January*, 1934.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Workers' (Occupational Diseases) Relief Fund Act, 1933. Short title.

A.D. 1933.

Amendment of 19 Geo. V. No. 52.

New Section 34a. Compensation in certain cases of partial incapacity.

2 The Principal Act is hereby amended by inserting after Section Thirty-four the following section:—

"**34a**—(1) Where it is established to the satisfaction of the Board, on the certificate of a certifying medical officer or, on appeal from such certificate as provided by Section Eighteen, by the certificate of a medical referee, that an eligible employee is suffering from silicosis, pneumonokoniosis, or fibrosis in the stages of those diseases known as the—

I. Ante-primary; or
II. Primary—

stages respectively, and that such disease is reasonably attributable to employment in mining operations, the Board may pay compensation to such employee subject to and in accordance with the provisions of this section.

"(2) The amount of compensation which may be paid to an employee under this section shall be ascertained as follows:—

I. If the employee is suffering from any of the diseases referred to in Subsection (1) in the ante-primary stage, the amount of compensation shall be not less than 10 per cent. or more than 20 per cent.: or
II. If the employee is suffering from any of such diseases in the primary stage, the amount of compensation shall be not less than 35 per cent. or more than 50 per cent.—

of the amounts payable under Section Thirty-four, as shall be determined by the Board on the report of the certifying medical officer or medical referee, as the case may be.

"(3) For the purposes of this section, an employee shall be deemed to be suffering from silicosis, pneumonokoniosis, or fibrosis—

I. In the ante-primary stage, when it is found by the certifying medical officer or medical referee, as the case may be, that the employee has the earliest detectable specific physical signs of any of these diseases: Provided that, in the case of silicosis, a radiograph of the employee's chest shows an abnormal density of linear shadows and the presence of discrete shadows indicative of nodulation:
II. In the primary stage, when it is found by the certifying medical officer or medical referee, as the case may be, that definite and specific physical signs of any of these diseases are present, and capacity for work is impaired thereby, although not seriously and permanently: Provided that, in the case of silicosis, a radiograph of the employee's chest shows an increased number and size of the discrete shadows indicative of nodulation with a tendency to their confluence.

"(4) The provisions of this Act relating to compensation in the case of an employee who is incapacitated, so far as the same are applicable, shall apply in the case of an employee receiving compensation under this section.

"(5) An employee who is receiving or has received compensation under this section shall neither perform any work in connection with mining operations nor be employed therein, except as may be approved by the Board on the recommendation of the certifying medical officer.

A.D. 1933.

Cf. W.A., 1932, No 37, s. 13.

"(6) Any employee who performs any work, and any employer who knowingly employs any such employee, in contravention of this section shall be guilty of an offence.

Penalty: Fifty Pounds, and, in addition, a daily penalty of Two Pounds for every day or part of a day during which the offence continues.

"(7) In addition to any penalty prescribed by Subsection (6), an employee who is guilty of an offence against this section shall not be entitled to any compensation under this Act.".

WALTER E. SHIMMINS,
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